

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 16-3012		Docketed: 06/30/2016
Nature of Suit: 4370 Other Fraud		Termed: 11/21/2016
Edward Schwartz, et al v. Avis Rent A Car System Inc, et al		
Appeal From: United States District Court for the District of New Jersey		
Fee Status: Paid		
Case Type Information:		
1) civil		
2) private		
3) Diversity		
Originating Court Information:		
District: 0312-2 : 2-11-cv-04052		
Court Reporter: King Transcription		
Court Reporter: Phyllis Lewis		
Trial Judge: Jose L Linares, U.S. District Judge		
Date Filed: 07/14/2011		
Date Order/Judgment:	Date Order/Judgment EOD:	Date NOA Filed:
06/21/2016	06/21/2016	06/29/2016
Prior Cases:		
None		
Current Cases:		
None		

<p>EDWARD SCHWARTZ, on behalf of himself and others similarly situated</p> <p style="text-align: center;">Plaintiff - Appellee</p> <p>v.</p> <p>AVIS RENT A CAR SYSTEM INC</p> <p style="text-align: center;">Defendant - Appellee</p>	<p>Bruce D. Greenberg, Esq. Direct: 973-623-3000 Email: bgreenberg@litedepalma.com Fax: 973-623-0858 [COR NTC Retained] Lite DePalma Greenberg 570 Broad Street Suite 1201 Newark, NJ 07102</p> <p>Todd L. Schleifstein, Esq. Direct: 973-360-7918 Email: SchleifsteinT@gtlaw.com Fax: 973-301-8410 [Retained] Greenberg Traurig 200 Park Avenue MetLife Building New York, NY 10166</p> <p>Philip R. Sellinger, Esq. Direct: 973-360-7900 Email: sellingerp@gtlaw.com Fax: 973-301-8410 [COR NTC Retained] Greenberg Traurig 500 Campus Drive Florham Park, NJ 07932</p> <p>Aaron Van Nostrand, Esq. Direct: 973-360-7900 Email: vannostranda@gtlaw.com Fax: 973-295-1321 [Retained] Greenberg Traurig 500 Campus Drive Florham Park, NJ 07932</p>
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TODD PAYNE
Defendant - Non-Participating

AVIS BUDGET GROUP
Defendant - Appellee

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(see above)

MARK RAY
Plaintiff - Appellant

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







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






EDWARD SCHWARTZ,
on behalf of himself and others similarly situated

v.

AVIS RENT A CAR SYSTEM, LLC;
AVIS BUDGET GROUP, INC.;
TODD PAYNE

MARK RAY*,
Appellant
*(Pursuant to Fed. R. App. P. 12(a))

- 06/30/2016  CIVIL CASE DOCKETED. Notice filed by Appellant Mark Ray in District Court No. 2-11-cv-04052. (JK) [Entered: 06/30/2016 03:13 PM]
46 pg, 2.9 MB
- 06/30/2016  RECORD available on District Court CM/ECF. (JK) [Entered: 06/30/2016 03:19 PM]
- 06/30/2016  ORDER (Clerk) Nos. 16-3012 and 16-3013 are hereby consolidated for all purposes, filed. [16-3012, 16-3013] (JK) [Entered: 06/30/2016 03:48 PM]
1 pg, 119.35 KB
- 07/07/2016  ECF FILER: ENTRY OF APPEARANCE from Philip R. Sellinger on behalf of Appellee(s) Avis Rent A Car System, LLC Avis Budget Group, Inc. Budget Rent A Car System, Inc.. [16-3013, 16-3012] (PRS) [Entered: 07/07/2016 10:32 AM]
1 pg, 352.94 KB
- 07/07/2016  ECF FILER: DISCLOSURE STATEMENT on behalf of Appellees Avis Budget Car Rental LLC and Budget Rent A Car System Inc in 16-3013, Appellees Avis Rent A Car System Inc and Avis Budget Group in 16-3012, filed. [16-3013, 16-3012]--[Edited 07/18/2016 by JK] (PRS) [Entered: 07/07/2016 10:33 AM]
2 pg, 238.75 KB
- 07/08/2016  ECF FILER: ENTRY OF APPEARANCE from Bruce D. Greenberg on behalf of Appellee(s) Plaintiffs and the Class. [16-3012, 16-3013]--[Edited 07/08/2016 by JK] (BDG) [Entered: 07/08/2016 09:36 AM]
1 pg, 65.2 KB
- 07/08/2016  ECF FILER: ENTRY OF APPEARANCE from Christopher A. Bandas on behalf of Appellant(s) Mark Ray. [16-3012, 16-3013] (CAB) [Entered: 07/08/2016 12:26 PM]
1 pg, 59.48 KB
- 07/12/2016  ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant Mark Ray in 16-3012, filed. [16-3012, 16-3013] (CAB) [Entered: 07/12/2016 10:45 AM]
2 pg, 99.79 KB
- 07/12/2016  ECF FILER: CIVIL INFORMATION STATEMENT on behalf of Appellant Mark Ray in 16-3012, filed. [16-3012, 16-3013] (CAB) [Entered: 07/12/2016 10:59 AM]
2 pg, 82.04 KB
- 07/12/2016  ECF FILER: Concise Summary of the Case filed by Appellant Mark Ray in 16-3012, received. [16-3012, 16-3013] (CAB) [Entered: 07/12/2016 11:56 AM]
78 pg, 2.91 MB
- 07/12/2016  ECF FILER: Transcript Purchase Order Form (Part 1) filed by Appellant Mark Ray in 16-3012 advising this court that. Requested date(s) are: May 25, 2016, to be filed by Phyllis T. Lewis. [16-3012, 16-3013] (CAB) [Entered: 07/12/2016 02:41 PM]
1 pg, 32.68 KB
- 07/13/2016  ORDER to Court Reporter Miss Phyllis Lewis directing transcripts, ordered on 07/08/2016 , to be filed by 08/10/2016. [16-3012, 16-3013] (JK) [Entered: 07/13/2016 12:08 PM]
2 pg, 201.33 KB
- 07/15/2016  ECF FILER: TRANSCRIPT PURCHASE ORDER (Part III) filed by Miss Phyllis Lewis in 16-3012, 16-3013 for the date(s) of 5/25/16. Transcripts were filed in the District Court on 06/29/2016. [16-3012, 16-3013] (MS) [Entered: 07/15/2016 08:58 AM]
1 pg, 811.3 KB
- 07/15/2016  FOLLOW UP LETTER to Michael Coren, Esq. and Christopher M. Placitella, Esq. for Todd Payne requesting only the Entry of Appearance and Philip R. Sellinger, Esq. for Avis Budget Group only for the Disclosure Statement requesting the following document(s): Appearance Form on or before 07/29/2016. Disclosure Statement on or before 07/29/2016. (JK) [Entered: 07/15/2016 10:38 AM]
2 pg, 164.47 KB
- 07/18/2016  PARTY NOT PARTICIPATING: Michael Coren, Esq. for Todd Payne will not participate in this appeal, received. (JK) [Entered: 07/18/2016 03:39 PM]
2 pg, 68.07 KB
- 07/27/2016  Notice to Counsel. **The attached document is restricted. To view document, click on the document number link in the NDA (Notice of Docket Activity). In order to access this document, you must be the attorney of record using your individual ECF login and password.** [16-3012, 16-3013] (TNH) [Entered: 07/27/2016 04:42 PM]
0 pg, 0 KB
- 09/21/2016  ECF FILER: Motion filed by Appellee Edward Schwartz in 16-3012, Appellees Daniel Klein and Stephanie Klein in 16-3013 to summarily affirm. Certificate of Service dated 09/21/2016. SEND TO MERITS PANEL. [16-3012, 16-3013]--[Edited 10/14/2016 by JK] (BDG) [Entered: 09/21/2016 12:27 PM]
84 pg, 4.11 MB
- 09/22/2016  ECF FILER: Motion filed by Appellant Mark Ray in 16-3012, 16-3013 for Extension of Time to file Response to Appellees' Motion for Summary Affirmance until/for 30 days. Certificate of Service dated 09/22/2016. [16-3012, 16-3013] (CAB) [Entered: 09/22/2016 07:21 PM]
4 pg, 95.72 KB
- 09/23/2016  ECF FILER: Response filed by Appellee Edward Schwartz in 16-3012, Appellees Daniel Klein and Stephanie Klein in 16-3013 to Motion for extension of time. Certificate of Service dated 09/23/2016. [16-3012, 16-3013] (BDG) [Entered: 09/23/2016 02:38 PM]
2 pg, 46.42 KB
- 09/27/2016  ECF FILER: Supplement to Response to Motion for Extension of Time by Appellee Edward Schwartz in 16-3012, Appellees Daniel Klein and Stephanie Klein in 16-3013 to Response. Certificate of Service dated 09/27/2016. [16-3012, 16-3013]--[Edited 09/27/2016 by MLR] (BDG) [Entered: 09/27/2016 03:01 PM]
25 pg, 665.49 KB
- 09/28/2016  ECF FILER: Reply by Appellant Mark Ray in 16-3012, 16-3013 to Response Response , Response , filed. Certificate of Service dated 09/28/2016. [16-3012, 16-3013] (CAB) [Entered: 09/28/2016 11:18 AM]
5 pg, 114.51 KB
- 09/28/2016  ORDER (Clerk) referring the Appellees' Motion for extension of time to file response to summary action, the responses and reply to a motions panel, filed.--[Edited 09/28/2016 by JK] [16-3012, 16-3013] (JK)

	1 pg, 116.65 KB	[Entered: 09/28/2016 03:39 PM]
10/03/2016	 23 pg, 218.57 KB	ECF FILER: Response filed by Appellant Mark Ray in 16-3012, 16-3013 to Motion for summary action. Certificate of Service dated 10/03/2016. SEND TO MERITS PANEL. [16-3012, 16-3013]--[Edited 10/14/2016 by JK] (CAB) [Entered: 10/03/2016 10:27 PM]
10/07/2016	 2 pg, 80.11 KB	ORDER (FUENTES, Circuit Judge) granting Motion for extension of time filed by Appellant Mark Ray. The response filed 10/3/2016 is deemed timely filed, filed. Panel No.: BCO-135. FUENTES, Authoring Judge. [16-3012, 16-3013] (JK) [Entered: 10/07/2016 12:18 PM]
10/11/2016	 12 pg, 41.2 KB	ECF FILER: REPLY filed by Appellee Edward Schwartz in 16-3012, Appellees Daniel Klein and Stephanie Klein in 16-3013 to Motion for Summary Affirmance, filed. Certificate of Service dated 10/11/2016 by ECF. SEND TO MERITS PANEL. [16-3012, 16-3013]--[Edited 10/12/2016 by JK]--[Edited 10/14/2016 by JK] (BDG) [Entered: 10/11/2016 10:34 AM]
10/13/2016	 3 pg, 79.64 KB	ECF FILER: Motion filed by Appellant Mark Ray in 16-3012, 16-3013 for Leave to File Sur Reply. Certificate of Service dated 10/13/2016. SEND TO MERITS PANEL. [16-3012, 16-3013]--[Edited 10/14/2016 by JK] (CAB) [Entered: 10/13/2016 01:16 PM]
10/14/2016	 2 pg, 75.77 KB	ORDER (FISHER, SHWARTZ and BARRY, Circuit Judges) referring the Motion for summary action filed by Appellee Edward Schwartz, Response and Reply to the merits panel, filed. Panel No.: CCO-003. BARRY, Authoring Judge. [16-3012, 16-3013] (JK) [Entered: 10/14/2016 02:36 PM]
10/14/2016	 2 pg, 74.24 KB	ORDER (FISHER, SHWARTZ and BARRY, Circuit Judges) referring the Motion to file sur reply to the Motion for Summary Affirmance filed by Appellant Mark Ray to the merits panel, filed. Panel No.: CCO-006. BARRY, Authoring Judge. [16-3012, 16-3013] (JK) [Entered: 10/14/2016 02:40 PM]
10/14/2016	 1 pg, 41.5 KB	ECF FILER: LETTER from Attorney Bruce D. Greenberg, Esq. for Appellees Daniel Klein and Stephanie Klein in 16-3013 opposing Appellant Mark Ray motion for leave to file sur-reply. Certificate of Service dated 10/14/2016. SEND TO MERITS PANEL. [16-3012, 16-3013]--[Edited 10/14/2016 by JK] (BDG) [Entered: 10/14/2016 03:52 PM]
10/17/2016	 3 pg, 273.54 KB	BRIEFING NOTICE ISSUED. Brief on behalf of Appellant Mark Ray due on or before 11/28/2016. Appendix due on or before 11/28/2016. [16-3012, 16-3013] (JK) [Entered: 10/17/2016 11:15 AM]
10/26/2016	 1 pg, 29.86 KB	ECF FILER: ENTRY OF APPEARANCE from Robert W. Clore on behalf of Appellant(s) Mark Ray. [16-3012, 16-3013] (RWC) [Entered: 10/26/2016 08:25 AM]
11/03/2016	 4 pg, 100.98 KB	ECF FILER: Motion filed by Appellant Mark Ray in 16-3012, 16-3013 for Extension of Time to file Appellant's Brief and Appendix until/for 1/7/2017. Certificate of Service dated 11/03/2016. [16-3012, 16-3013] (RWC) [Entered: 11/03/2016 10:35 AM]
11/07/2016		TEXT ONLY ORDER (Clerk) granting Motion for extension of time filed by Appellant Mark Ray. Appellant's brief and appendix must be filed and served on or before January 9, 2017. It is noted that January 7, 2017 is a Saturday. As this due date falls after the effective date of the amendments to the Federal Rules of Appellate Procedure, the new word limits set forth in Rule 32 will apply to this appeal. Counsel is directed to review the Notice to Counsel regarding the new word limits dated October 17, 2016 which is available on the Court's website, filed. [16-3012, 16-3013] (MB) [Entered: 11/07/2016 10:17 AM]
11/18/2016	 2 pg, 78.1 KB	ECF FILER: UNOPPOSED Motion filed by Appellant Mark Ray in 16-3012, 16-3013 for Dismissal of Case pursuant to Fed. R. App. P. 42(b). Certificate of Service dated 11/18/2016. [16-3012, 16-3013] (CAB) [Entered: 11/18/2016 04:53 PM]
11/21/2016	 1 pg, 140.44 KB	ORDER (Clerk) dismissing case pursuant to Fed. R. App. P. 42(b), filed. [16-3012, 16-3013]--[Edited 11/21/2016 by JK] (JK) [Entered: 11/21/2016 03:01 PM]